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12 UNITED STATES DISTRICT COURT
13 DISTRICT OF NEVADA

14 Juan Rivera,

15 Petitioner,

16 v.

17 Brian Williams, *et al.*,

18 Respondents.

Case No. 2:19-cv-00288-APG-BNW

**Unopposed motion for extension of
time to file amended petition for
writ of habeas corpus**

(Third request)

ORDER

1 On January 6, 2020, Rivera filed a motion for a stay and abeyance of his federal
2 case while he returned to state court to litigate a DNA motion. On January 13, 2020,
3 this Court denied the motion for stay and issued an order to show cause. Rivera filed
4 a motion for reconsideration of the denial of the stay along with a response to the
5 order to show cause. Rivera requests an order extending the time within which he
6 must file an amended petition for writ of habeas corpus by 91 days from April 6, 2020
7 to and including July 6, 2020. The state, by Deputy Attorney General Jaimie Stilz,
8 does not object to this request, though her non-objection does not constitute a waiver
9 of any procedural defenses respondents may wish to raise in response to the amended
10 petition including, but not limited to, timeliness, procedural default, and questions of
11 exhaustion.

12 This is Rivera's third request for an extension of time. This motion is not filed
13 for the purposes of delay but in the interests of justice, as well as in the interests of
14 Rivera.

15 First, Rivera asks this Court to postpone the filing of his amended petition
16 until the Court has issued a decision on the motion for reconsideration and the
17 response to the order to show cause. Additionally, undersigned counsel's schedule
18 has prevented her from drafting Rivera's amended petition. Counsel filed a COA to
19 the Ninth Circuit Court of Appeals in *Saintal v. Foster*, case no. 20-15213 on March
20 16, 2020. Counsel filed a petition for rehearing in *Vontobel v. Benedetti*, case no.
21 18-15892 on March 20, 2020. Counsel filed a petition for writ of habeas corpus on
22 March 30, 2020, in *Yowell v. Baca*, case no. 3:15-cv-00318-MMD-WGC. Counsel is
23 also litigating in state court. Counsel filed an opposition to motion to dismiss in the
24 Fifth Judicial District Court on March 30, 2020, and counsel filed three reply briefs
25 to the Nevada Supreme Court on April 2 and 3, 2020. Counsel also has an
26 opposition to motion to dismiss due on April 9, 2020 in *Miranda-Rivas v. Wickman*,
27 case no. Case No. 3:16-cv-00663-MMD-VPC.

1 For these reasons, counsel respectfully asks this Court to grant Rivera's
2 request to extend the time for filing an amended petition by 91 days until July 6,
3 2020.

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5 Dated April 6, 2020.

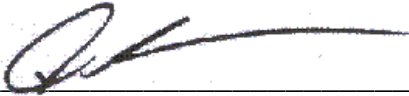
6 Respectfully submitted,

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8 Rene L. Valladares
9 Federal Public Defender

10 /s/ Kimberly Sandberg

11 Kimberly Sandberg
12 Assistant Federal Public Defender
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15 **IT IS SO ORDERED.**
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19 UNITED STATES DISTRICT JUDGE
20 Dated: April 6, 2020.
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